

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MONDO POLYMER TECHNOLOGIES,)
INC.)
Newport Pike)
Marietta, Ohio 45750,)

Plaintiff,)

vs.)

MONROEVILLE INDUSTRIAL)
MOLDINGS, INC.)
a/k/a Burkett Molding, Inc.)
21 Hamilton Street)
Monroeville, Ohio 44847)

Defendant.)

Case No. **1:07 CV 345**

Judge: **J. BARRETT**

07/12/07 PM 12:35

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Mondo Polymer Technologies, Inc. ("Mondo Polymer"), complains
against the Defendant Monroeville Industrial Moldings, Inc., a/k/a Burkett Molding, Inc.
("Monroeville") as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement and arises under the Patent Laws
of the United States, Title 35, United States Code.

THE PARTIES

2. Mondo Polymer is an Ohio corporation having its principal place of
business at Newport Pike, Marietta, Ohio 45750. Among other things, Mondo Polymer

manufactures, offers for sale, and sells products used in the transportation and highway industries, including products commonly referred to as offset blocks. Offset blocks are used in connection with roadway guardrails.

3. Upon information and belief, Monroeville Industrial Moldings, Inc. is an Ohio corporation having a place of business at 21 Hamilton Street, Monroeville, Ohio 44847. Upon further information and belief, Monroeville is, among other activities, engaged in the manufacture, offer for sale and/or sale of molded plastic products, including offset blocks. Upon further information and belief, Monroeville sells and offers for sale offset blocks in this judicial district, has substantial and continuous contacts with this judicial district, and conducts systematic business in this judicial district. Upon further information and belief, Monroeville has sold offset blocks that are the subject of this dispute in this judicial district.

JURISDICTION AND VENUE

4. Federal question jurisdiction is conferred pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue in this Court is based upon 28 U.S.C. §§ 1391(b)-(c), and 1400(b).

BACKGROUND FACTS

6. Mondo Polymer manufactures and sells offset blocks to the transportation industry, and to customers throughout the United States.

7. The technology used by Mondo Polymer in its offset blocks, among other things, is disclosed and claimed in United States Design Patent No. D473,954, entitled "Offset

Block” (“the ‘954 patent”), which was duly and legally issued on April 29, 2003, to Mark Mondo. A copy of the ‘954 patent is attached hereto as Exhibit 1.

8. Mondo Polymer is the owner by assignment of the ‘954 patent.

9. On information and belief, Monroeville has manufactured and/or sold, and is currently manufacturing and/or offering for sale, offset blocks.

Count I - Infringement of U.S. Design Patent No. D473,954

10. The allegations of paragraphs 1-9 are incorporated herein by reference as though fully set forth herein.

11. On information and belief, Monroeville has infringed and continues to infringe, and induce and/or contribute to the infringement of the ‘954 patent by its manufacture, use, offer for sale, sale and/or importation into the United States, of offset blocks.

12. On information and belief, the acts of infringement complained of herein are being carried out willfully and with full knowledge by Monroeville of the ‘954 patent.

13. As a result of Monroeville’s actions, Mondo Polymer has suffered and continues to suffer substantial injury, including irreparable injury, and will result in damages to Mondo Polymer, including loss of sales and profits, which Mondo Polymer would have made but for the acts of infringement by Monroeville, unless Monroeville is enjoined by this Court.

WHEREFORE, Mondo Polymer prays for relief against Monroeville as follows:

A. That a judgment be entered that Monroeville has infringed, induced the infringement of, or contributed to the infringement of, United States Design Patent No. D473,954;

B. That Monroeville, its agents, sales representatives, servants and employees, associates, attorneys, parents, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or participation with any or all of them, be enjoined and restrained preliminarily during the pendency of this action and thereafter permanently, from infringing United States Design Patent No. D473,954;

C. That a judgment be entered that Monroeville be required to pay over to Mondo Polymer all damages sustained by Mondo Polymer due to such acts of infringement and that such damages be trebled pursuant to 35 U.S.C. § 284 for the willful acts of infringement complained of herein;

D. That this case be adjudged and decreed exceptional under 35 U.S.C. § 285 entitling Mondo Polymer to an award of its reasonable attorney fees and that such reasonable attorney fees be awarded;

E. That Mondo Polymer be awarded its costs and prejudgment interest on all damages; and

F. That Mondo Polymer be awarded such other and further relief as the Court deems just and proper.

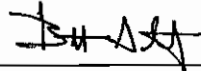
JURY DEMAND

Plaintiff Mondo Polymer Technologies, Inc. hereby demands and requests trial by jury of all issues raised that are triable by jury.

Respectfully submitted,

MONDO POLYMER TECHNOLOGIES, INC.

Dated: April 30, 2007



Brett A. Schatz (0072038)

bschatz@whepatent.com

Trial Attorney

Theodore R. Remaklus (0061557)

tremaklus@whepatent.com

WOOD, HERRON & EVANS, L.L.P.

441 Vine Street, 2700 Carew Tower

Cincinnati, Ohio 45202-2917

(513) 241-2324

Attorneys for Mondo Polymer
Technologies, Inc.